

8th January 1954] [Sri C. Subramaniam]

request hon. Members to co-operate with us without minding the inconvenience caused, so that we may finish our business as early as possible."

SRI S. RAMALINGAM :—" Sir, . . ."

MR. SPEAKER :—" No, I shall now take up the next item in the Agenda."

### III.—GOVERNMENT BILLS.

#### (1) THE SOUTH KANARA CULTIVATING TENANTS PROTECTION BILL, <sup>a</sup> 1954.

\* SRI M. A. MANICKAVELU NAICKER :—" Mr. Speaker, Sir, I beg to introduce the South Kanara Cultivating Tenants Protection Bill, 1954, and move—

*' That the Bill be taken into consideration at once.'*

" Sir, for the past several months, Government have been receiving representations that the landlords in South Kanara district have been evicting cultivating tenants on an increasing scale and that the relationship between the landlords and tenants are tending to become strained. Hon. Members from South Kanara sitting behind me have also been urging the Government to take immediate action in this regard. Government have reason to believe that such evictions are being resorted to in anticipation of the fear that the Government may introduce land reforms in South Kanara. Government are of the opinion that pending comprehensive legislation the situation in South Kanara calls for immediate protective legislation so that cultivating tenants may not be needlessly disturbed. This Bill accordingly seeks to provide that, subject to payment of current rent, no cultivating tenant in South Kanara district shall be evicted from his holding for a period of one year from the date on which it comes into force. The Bill will not apply to the 33 villages of Kasargod taluk to which the Malabar Tenancy Act, 1929, applies, as conditions there are different and sufficient protection against eviction already exists there. I request the House to give permission for moving this motion of mine."

MR. SPEAKER :—" Motion moved—

*' That the South Kanara Cultivating Tenants Protection Bill, 1954, be taken into consideration at once.'*"

\* SRI L. C. PAIS :—" Mr. Speaker, this Government and especially the Hon. Chief Minister deserve to be congratulated on the manner in which they have been trying to help the cultivating tenants of South Kanara, and on their having brought forward this legislation at the opportune moment. This House may be aware that there are three classes of tenants in South Kanara. In the first place, we have what is known as the ' Mulgeni ' or the ' permanent ' class of tenants. These tenants do not require any help

<sup>a</sup> Published in the Fort St. George Gazette, dated 2nd January 1954.

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from anybody because their relationship with the landlords are regulated by written agreements which are registered. But there are two other classes of tenants who require definite help from the Government. I refer to the second class who are called 'term lease tenants' or 'vaidegeni' tenants. These tenants enter into agreements with landlords to carry on cultivation on some fixed terms for some fixed period. After the term is over they are liable to be evicted by the landlords at any time the landlords choose. Then there is the third class of tenants.

"They are the chalgeni tenants or 'tenants at will'. They are otherwise called 'chalgeni' tenants. It should be remembered in this connexion that the second class of tenants are reduced practically to the status of chalgeni tenants, the moment the period of their term is over. There is no fixed agreement governing the relationship between chalgeni tenants and their landlords. These tenants enjoy fixity of tenure, terms and conditions being stipulated in printed forms. The High Court has held that the terms and conditions embodied in these printed list are valid and binding on the tenants. The result is the landlords are entitled to evict the tenant after the lapse of a year without any prior notice also. He is entitled to evict the tenant without paying a pie of compensation for any improvement the tenant might have effected on the land. I know several cases where tenants who have been in possession for a very long time (in some cases even for hundred years) have been evicted without payment of any compensation. The question may be asked why these evictions are on the increase. There is a reason behind it. Ever since the days of the Prakasam's Ministry, the Ministers in charge proclaimed that the tenants will be provided with some sort of fixity of tenure and that the fair rent would also be fixed in their case. The landlords naturally began to get panicky and began to evict tenants. In spite of many of us pressing for a tenancy legislation of some kind nothing was done. I am inclined to think that vested interests did prevail in the matter. One of the argument was put forth on behalf of Government, viz., that there was no need for it in South Kanara. This argument was met by departmental statistics called for and produced before the Assembly. The second reason adduced was that the Government cannot bring in piecemeal legislation for a particular district. We are glad that the Hon. Chief Minister has overcome all those obstacles and has brought forward a beneficial piece of legislation at the opportune moment.

"Of course the Hon. Minister for Revenue had stated that pending comprehensive legislation, this beneficial measure may be approved by the House. I welcome his statement. I shall bring to the notice of Government certain aspects concerning the tenancy in South Kanara, which I do request the Government to take notice of, so that they might incorporate what is necessary to remedy those defects in the comprehensive legislation that they might bring some time later.



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“The majority of the landlords in South Kanara are small landlords. We do not have big jannmis in South Kanara as we have in Malabar. There are innumerable cases in South Kanara where tenants are in huge arrears to the extent of two or three years. The landlords are also petty landlords. When you give a fixity of tenure for the cultivating tenant (for a year now—it may be extended later on) and when the cultivating tenants get an advantage, is it not also just that the landlords should be protected? Is it not necessary that he should get back his arrears of rent, especially when he has to depend on others. I am only bringing this to the notice of Government so that it may be taken due notice of when the comprehensive legislation is drafted. The landlords should be allowed to take to personal cultivation, after paying the requisite compensation to the tenant. I would also urge whenever a tenant is evicted, the landlord should be asked to pay the necessary compensation.

“There have been tenants who have made very valuable improvements to the property during the last fifty or sixty years. To deprive them of it would be a great hardship to them. I do not want to say more, as most of my South Kanara friends would also like to have their say. I am thankful to the Hon. the Chief Minister and the Hon. the Revenue Minister for this New Year's Gift to South Kanara.”

9-50  
a.m.

\* SRI Y. MANJAYA SHETTY :—“Mr. Speaker, Sir, in supporting the South Kanara Cultivating Tenants Protection Bill, I wish to say a few words. Let me take this opportunity to express my deep sense of gratitude to the Government for bringing this legislation to prevent the unjust eviction of tenants in South Kanara. The people of this district have been intensely feeling that in spite of their agitation nothing has been done by the Government to prevent evictions and to afford relief to the tillers of the soil, though a legislation of that sort is long overdue. What the people desire to have is a legislation which prevents unjust evictions and which assures security of tenure and fair rent. Representatives of the district have, on the floor of this House, more than once impressed upon the Government the urgent need and the imperative necessity for bringing in such a legislation. We are glad that by means of this Bill Government have met our demand half way. In this connection, I must say that our State is singularly fortunate in having a Chief Minister who can understand and appreciate human problems and difficulties. Since he assumed office, several important measures have been introduced by this Government and I must confess that the present Bill under discussion is one of such measures. Let me tell plainly, Sir, that but for the personal interest evinced by the Hon. Chief Minister after his recent tour of the district, this Bill would not have seen the light of the day so soon.

“At present, more than 1,000 eviction suits are pending in the several courts of the district. Thousands of tenants who are about

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to be evicted and rendered homeless have been protected and saved by the present Bill. I must say that this is a timely measure which has conferred great benefits upon the cultivating tenants of the district. The protection granted under this Bill enables the tenants to pay more attention to cultivation operations and grow more food and thereby better their lot without any fear of being evicted by the landlords on flimsy and unreasonable grounds. But let it be understood by the Government that the tenancy problem in the district is not completely solved by this small piece of legislation. The peasants of the district want a more comprehensive legislation which could assure to them fixity of tenure and fair rent. What is wanted is a comprehensive legislation which would establish good and harmonious relationship between tenants and landlords and which would bring happiness and prosperity to the tillers of the soil. I request the Government not to lose sight of these aspects and I hope that the Government will bring forward a comprehensive tenancy legislation which will solve the problem in the district and which will render justice to all classes of people concerned. Let me thank once again this Government, the Hon. the Chief Minister and the Hon. the Revenue Minister for introducing this Bill. Thank you, Sir, for the opportunity given to me."

\* SRI T. ANANTA PAI :—" Mr. Speaker, Sir, I am glad that I am following the foot-steps of two of my hon. colleagues of South Kanara. We are grateful to the Government for having brought this measure. A measure like this which brings land reforms in a district naturally bristles with great difficulties. The question of land reforms is not so easy as everyone of us seems to feel. Of course, this measure is intended to prevent unjust evictions of tenants for a period of one year and there will be sufficient time for the landlords to adjust their relationship with the tenants. Personally I feel that very comprehensive land reforms, which would not leave any uncertainty in the mind of either the tenant or the landlord, are absolutely necessary for a happy relationship between the landlord and the tenant. I feel that the only solution to the problem would be to make the tiller of the soil the owner or the landlord himself the tiller of the soil. To have two classes of people continued like this and try to regulate their relationship by a sort of legislation is like regulating the relationship between a husband and a wife by some sort of law. At one stage or other, this becomes a political game and party after party would like to take up and play the game without caring to know what happens to the country at large. Mr. Pais has already pointed out how this process of eviction began in the district. What happened was that immediately after the publication of the report of the Subramaniam Committee on land reforms, to implement which the Government did not take immediate steps, some of the landlords, taking advantage of a provision which enabled them to increase the rent, thought that they should increase the rent even before the recommendations were accepted. If the increase in rent was not



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accepted by the tenants, naturally they were asked to quit. In that way, the process of eviction began in the first stage. Then there was requisition of rice in force in the district and naturally when the tenants found that rice was selling at a higher price in the market, they were rather tempted to remit to the landlord only the stipulated price or the price fixed by the Government. But when the landlords did not accept this, the second stage of the process of eviction began. Now there has been decontrol and this objection no longer remains. But by that time the general elections took place and it had become a matter of political game. I wish, as was pointed out by the Hon. the Chief Minister yesterday, that the matter of land reforms does not become a matter for any party to take credit, because the reforms that we are introducing are of a far-reaching nature and unless sufficient time is allowed to pass, we cannot say whether the desired results have been achieved or not. The main reason why we say that the tiller of the soil must be in complete possession of the soil is that it gives him a sense of duty, of creation, it is said, and the tenant is able to devote greater attention because he is entitled to a larger portion of the produce. Time alone can show whether it is so, because in the neighbouring State of Bombay where tenancy legislation has been in force, until recently, the landlord was entitled to one-third of the produce. Recently the Government brought an amendment to the tenancy legislation in Bombay to the effect that the landlord was entitled only to one-sixth of the produce and that even the assessment should be borne by him. Of course, some years have elapsed and it has not been shown that there has been a substantial increase in production from the soil as a result of this revision. Merely conferring a right on the tenant alone cannot improve matters. The tenant requires provision of capital by way of seeds, manure and implements and unless the State is prepared at the same time to bring about an agency which can provide all these in the place of the displaced landlord, it would be difficult indeed for the tenant to get any benefit out of certain rights conferred on him by legislation.

" Then the question arises what happens to the landlord if he wants to till. Are we only conferring the right of occupancy on the tenant and bringing into existence another class of people, another type of zamindari class, who have no interest in the land at all and who only own it and are entitled to the rents every year without having any responsibility to look after the land at all? A time may come when this class may become the so-called parasite class. But if, on the other hand, the absentee landlords, who require to be brought to their senses, are given a chance to go back to their soil and cultivate it themselves—there are educated young men who want to go back to the soil and that is becoming quite an interesting occupation nowadays—should we also not encourage that sort of movement when the landlords like to go back to the soil and cultivate the lands themselves? If we are interested in larger production, naturally we should give sufficient scope for

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such landlords to come forward and take up cultivation. Then the question arises what is going to happen to the tenants who are displaced. That is a problem which we cannot ignore. We have sufficient lands in the district in South Kanara in the possession of Government. The Government must come forward to give such lands to the tenants who are displaced and give them the necessary resources to develop them. There are lands in the Malnad area. The Government can provide them with sufficient capital or start co-operative societies for land improvement. Co-operative farming can also be carried on in such cases.

“ On the question of comprehensive land reforms, we found that there was a lot of difficulty in coming to certain conclusions. The first question is what should be the fair rent. Secondly, if the landlord wants to cultivate the land for himself, what should be the ceiling that should be fixed? Because we could not come to a satisfactory conclusion, we thought we should not try to bring comprehensive land reforms for the present. This does not mean that they will not come. They will certainly come. But in a measure like this, we cannot ignore the claims of the landlords, however bad they are supposed to be. We cannot presume that every landlord is necessarily a bad landlord. Any legislation that we pass will affect both the good landlord and the bad landlord. A bad landlord will always be trying to find out loopholes by which he will be able to circumvent the law.

“ Unfortunately what has happened in South Kanara is that a large number of landlords belonging to the political parties which are opposing the Congress have been going about creating trouble and asking the tenants to agitate for tenancy legislation. I was always feeling whether the landlords could not confer on their tenants the very rights, which a tenancy law would give, without a law being enacted at all. The system of land tenure prevailing in South Kanara is the mulgeni system, which is a sort of permanent tenure subject to certain conditions. Subject to an enabling legislation, I think it should have been possible for the landlords to have conferred the rights on the tenants. But they did not do it. They only wanted to create a sort of agrarian trouble by asking people to agitate for a tenancy legislation. I have received letters from many tenants of the landlords belonging to the political parties in Opposition asking me to see that they are not evicted. I have forwarded those letters to the leaders of the Praja-Socialist Party and requested them to intervene and see whether the matter could not be settled amicably. They have not intervened. Even after the publication of this Bill in the Gazette, tenants have been threatened with eviction. I have received letters which clearly show that some of the landlords have not been behaving properly. I think the one-year's time that is allowed is sufficient for them to reconsider their position and adjust themselves. This Bill provides that no cultivating tenant shall be evicted from his holding for one year if he pays the current rent.

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a.m.



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The landlord cannot get back the land even if he wants it. He cannot also enhance the rent, because even if he enhances it, no tenant will pay.

"I hope and trust that the Act arising from this Bill will be the harbinger of peace so far as the landlord-tenant relationship is concerned. I do hope that the comprehensive legislation that will come up before the House will be a legislation agreed to by all the political parties. Let not the parties be wrangling here for taking political credit for this or that, because it is wrong to take political credit which may mean happiness or a store of unhappiness for the people at large."

\* SRI M. NARAYANAN NAMBIAR :— "സാർ, ഏതാണ്ട് ഇരുപതു കൊല്ലം തോളമായി തെക്കൻ കണ്ണാടക ജില്ലയിൽ ഭൂമിയിൽ അധ്വാനം ചെയ്യുന്നവർ സ്ഥിര വകാശം ലഭിക്കുന്നതിന് പ്രക്ഷോഭം ആരംഭിച്ചിട്ടുണ്ട്. 1934 ലാണ് അന്നത്തെ, ഹോസ്ദുർഗ് താലൂക്ക് കോൺഗ്രസ്സ് കമ്മിറ്റിയുടെ ആഭിമുഖ്യത്തിൽ അവിടത്തെ ജന്മിമാരുടെ മന്ത്രിയുടെ അധ്യക്ഷതയിൽ രാജ്യം ലഭിക്കുന്നതിനുവേണ്ടി, കൃഷിഭൂമിയിൽ കർഷകർ സ്ഥിരവകാശം ലഭിക്കാൻ വേണ്ടി, പ്രക്ഷോഭം ആരംഭിച്ചത്. അന്നു അധികാരത്തിലിരുന്നത് വിദേശ ഗവണ്മെന്റ് ആകയാൽ ആ പ്രക്ഷോഭം കൊണ്ട് പ്രയോജനമൊന്നുമുണ്ടായില്ല. 1937 ൽ കോൺഗ്രസ്സ് അധികാരത്തിൽ വന്നപ്പോൾ, ഇന്നത്തെ മുഖ്യമന്ത്രിയെന്ന മുഖ്യമന്ത്രിയായി വന്നപ്പോൾ, മലബാർ കടിയായ നിയമം മേട്രൻ ചെയ്യാൻ തീരുമാനിക്കുകയും അതു തെക്കൻ കണ്ണാടക ജില്ലയിലെ കാസർഗോഡ് താലൂക്കിലേക്ക് പ്രാവിഷ്കരണമുണ്ടായെന്നു എന്നുവേദിക്കുന്നതിന്നു 'കുടിശ്ശി മേനോൻ അനേകജനകമ്മിറ്റി'യെ അധികാരം നൽകുകയും ചെയ്തിരുന്നു. കോൺഗ്രസ്സ് ഗവണ്മെന്റ് അധികാരത്തിൽനിന്നു വിട്ടുപോകേണ്ടിവന്നതിനാൽ ആ നിയമം പാസ്സാക്കാൻ സാധിച്ചിട്ടില്ല. അന്നു മുതൽ തെക്കൻ കണ്ണാടക ജില്ലയുടെ പല ഭാഗങ്ങളിലും കൃഷിക്കാർ അവരുടെ അവകാശങ്ങൾക്കുവേണ്ടി പോരാടാൻ തുടങ്ങിയിട്ടുണ്ട്. ഇപ്പോൾ കോൺഗ്രസ്സ് അധികാരത്തിൽ വന്നു ആറു കൊല്ലമായിട്ടുണ്ടെങ്കിലും അവിടത്തെ കൃഷിക്കാർക്കു രാജ്യം നൽകാൻ ഒരു ബില്ലു കൊണ്ടുവരാൻ തയ്യാറായിട്ടില്ല. അവിടത്തെ കടിയായ നാൾക്കു യാതൊരു വികസനവുമില്ല എന്നു ഗവണ്മെന്റ് ധരിച്ചിരിക്കുന്നതിന്റെ ഫലമാണിതെന്നു തോന്നുന്നു. എന്താണു സേഫ്റ്റിൻ മി. ഫെഡറേഷനുണ്ടായി : അവിടത്തെ ജന്മിമാർ പ്രജാസംസ്കൃതിയ്ക്ക് പാട്ടിക്കാരാണെന്നു്. അവരാണ് കടിയായ നാൾക്കു വേണ്ടി ചെയ്യുന്നതെന്നും മറ്റും. എന്നാൽ കാസർഗോഡ് താലൂക്കിൽ കോൺഗ്രസ്സ് ജന്മിമാർ വളരെ അധികം കടിയായാണു കഴിപ്പിച്ചിട്ടുള്ളതിന്നു തെളിവുകളുണ്ട്. ഒരു കോൺഗ്രസ്സ് എം.എൽ.എ. യോട് ഒരു കടിയായനാൾ കായ്ക്കുന്നതിലടപെടുവാൻ ആൻതന്നെ പറഞ്ഞിട്ടുണ്ടായിരുന്നു. എന്നാൽ അവിടെ ഒരു കടിയായൻ നിയമമില്ലെന്നുള്ളതാണ് എല്ലാ കഴപ്പങ്ങൾക്കും കാരണം. ഒരു കടിയായൻ നിയമം ഇല്ലാതിരുന്നതുകൊണ്ടാണ് തെക്കൻ കണ്ണാടകത്തിൽ കഴിഞ്ഞ തെരഞ്ഞെടുപ്പിൽ കോൺഗ്രസ്സിന്നു ജയിക്കുവാൻ സാധിച്ചത്. കടിയായാണു കഴിപ്പിക്കുമെന്നു ഭീഷണിപ്പെടുത്തിയും താക്കീതു ചെയ്യുമാണു് അവർ വോട്ടു വാങ്ങിയതു്. അല്ലെങ്കിൽ മന്ത്രിമാരുടെ പിൻഭാഗത്തിരിക്കുന്ന എം.എൽ.എ.മാർ ഇത്രയധികം വേർ ഈ മെമ്പർസിൽ ഉണ്ടാകുകയില്ലായിരുന്നു. - കടിയായൻ എന്ന് പറഞ്ഞാൽ യാതൊരു രക്ഷയുമില്ലാത്തവനാണ്. ജന്മിയുടെ ഇഷ്ടാനുസരണം കൃഷി നിലം കൈവശം വെക്കുകയാണു് ഒരു കൊല്ലം എന്ന് പാട്ടുദിടിൽ എഴുതിക്കൊടുക്കും . . . ."

10-05 a.m.

MR. SPEAKER :—"This is South Kanara Cultivating Tenants Bill and not Malabar Tenancy Bill. I think the hon. Member is dealing with the Malabar Tenancy Bill."

SRI M. NARAYANAN NAMBIAR :—"No, Sir, I am Speaking on South Kanara Cultivating Tenants Bill only. കടിയായാൻ ഈ ഒരു കൊല്ലത്തിനകത്തു് ജന്മികൾ അനുപികരായി എന്തെങ്കിലും ചെയ്യുവോൾ അവർക്ക് നിലം

[Sri M. Narayanan Nambiar] [8th January 1954]

ഏകദേശം മനോരാജിനു കൊടുത്തിരിക്കുന്നുവെന്നു പറഞ്ഞാൽ അവർ ഒഴിഞ്ഞുപോയൊരു  
ജ്ഞം. ഒരു കൊല്ലം കൊടുക്കുമുള്ള ചരമ ഒഴിപ്പിക്കാൻ പാടില്ലെന്നു ഈ ബില്ലിൽ വ്യവ  
സ്ഥചെയ്യണം. വാരശീട്ട് ഇല്ലാത്ത ഒട്ടധികം കുടിയന്മാരെ നല്ല കന്നോൻ സാധിക്കും.  
പാട്ടം കൊടുത്താൽ ശരീനിപോലും കൊടുക്കുകയില്ല. അങ്ങനെ വളരെയധികം കുടിയ  
ന്മാർ തെക്കൻ കണ്ണാടക ജില്ലയിലുണ്ട്. അവരെ സംബന്ധിച്ചിടത്തേക്കും ഈ  
ബില്ലുകൊണ്ടു എത്രകണ്ടു ഗുണം കിട്ടുമെന്നറിഞ്ഞുകൂടാ. അവർക്കു രക്ഷ നല്ലാൻ എന്തെ  
ങ്കിലും പ്രത്യേക വ്യവസ്ഥകൾ ഈ ബില്ലിൽ ഉൾപ്പെടുത്തേണ്ടതായിട്ടുണ്ട്. ഇത്രയും  
കാലമായിട്ടും കൃഷിക്കാർക്കു ശരിയായി രക്ഷ നൽകുന്നതിനുള്ള ഒരു ബില്ലു കൊണ്ടുവരാൻ  
ഗവർണ്മെന്റിനു സാധിച്ചിട്ടില്ല. ഈ നിയമംകൊണ്ടു മാത്രം തെക്കൻ കണ്ണാടക ജില്ല  
യിലെ കൃഷിക്കാർ രക്ഷപ്പെടുകൊള്ളുമെന്ന് വിചാരിക്കാൻ നിവൃത്തിയില്ല. ഇത്ര വൈ  
കിയിട്ടെങ്കിലും ഇങ്ങനെ ഒരു നിയമം കൊണ്ടുവന്നതു സന്തോഷകരംതന്നെ. കൃഷി  
ക്കാർക്കു രക്ഷ നൽകാൻ കോൺഗ്രസ്സ് ഗവർണ്മെന്റ് നയ്യാനയില്ലെങ്കിൽ കഴുപ്പാണെന്നു  
കണ്ടുകൊണ്ടാണു് ഈ ചെറിയ ബില്ലെങ്കിലും ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ളതെന്നു ഞാൻ  
വിചാരിക്കുന്നു. എന്റെ നോട്ടത്തിൽ ജന്മിമാർ പ്രജാ സോഷ്യലിസ്റ്റ് പാർട്ടിയിൽ മാത്ര  
മല്ല, മറ്റു പാർട്ടികളിലുമുണ്ട്. ഞാൻ വളരെക്കാലമായി കാക്കംകരംഗത്തു് പ്രവർത്തിച്ചു.  
വരുന്ന ആളാണു്. ജന്മിമാരുടെ മട്ടിനങ്ങളെ സംബന്ധിച്ചു പല ആക്ഷേപങ്ങൾ  
എന്നിങ്ങു കിട്ടിക്കൊണ്ടിരിക്കുന്നു. അപ്പോൾ ഒരു കാര്യം വ്യക്തമാകുന്നുണ്ടു്. യഥാർത്ഥ  
ത്തിൽ കൃഷിക്കാരനു് വളരെയധികം വിഷമമുണ്ടു്. വാരം പാട്ടം കൊടുത്താൽ ശരി  
യായ ശരിയെ ലഭിക്കുകയില്ല. പട്ടശീട്ട് എഴുന്നിക്കൊടുത്തു എന്തുള്ളതിനു് എന്തിൻ്റെ  
ലഭിക്കുകയില്ല. യാതൊരു രേഖയും കൃഷിക്കാരനെ സംബന്ധിച്ചിട്ടുണ്ടാകാതെ കാണുക  
യില്ല. ഇങ്ങനെ ബില്ലു വരാൻപോകുന്നുവെന്നറിഞ്ഞു് പല ജന്മിമാരും വളരെ കരു  
തലായി പെരുമാറിയെന്നുണ്ടു്. കൃഷിക്കാരനു് കൃഷിഭൂമിയിൽ സ്ഥിരവാകാശം നൽകിയേ  
തിതു. ഇന്നു നിലവിലിരിക്കുന്ന പാട്ടവും വളരെ കൂടുതലാണു്. വാരവും പാട്ടവും  
ന്യായമായി നിയമിക്കുന്നതിനു് പ്രത്യേകം വ്യവസ്ഥ വേണം. മനോരാജ കാര്യം  
എടുത്തുപറയാനാണു്. ഒരു ജന്മി കുടിയന്മാനു് പറയും 'നീ ഇവിടെ താമസിച്ചോ,  
സ്ഥലം നന്നാക്കിക്കോ' എന്നു്. പക്ഷെ അതിനു യാതൊരു രേഖയും കൊടുക്കുകയില്ല.  
കുടിയന്റെ അല്പാപനംകൊണ്ടു് സ്ഥലത്തു അനേകം ഉണ്ടായിക്കിട്ടിത്താൽ ജന്മി പറയും  
സ്ഥലം ഒഴിഞ്ഞുപോയൊള്ളാൻ. ഇതിനു എത്ര ഉദാഹരണം മേണമെങ്കിലും പറയാൻ  
സാധികം. ധാരാളം കുടിയന്മാരെ പുറത്താക്കിയിട്ടുണ്ടു്. അങ്ങനെയുള്ള കുടിയ  
ന്മാർക്കു രക്ഷ നൽകാനുള്ള വ്യവസ്ഥകൾ ഇനി കൊണ്ടുവരാനുള്ളതാണെന്നു ബില്ലിൽ  
ഉണ്ടായിരിക്കണം. രേഖയില്ലാത്ത സ്ഥലങ്ങൾ കൃഷിക്കാരൻ ഒഴിഞ്ഞുകൊടുക്കേണ്ടിവരിക  
കയാണെങ്കിൽ ശരിയായ പ്രതിഫലം കിട്ടാനുള്ള ഒരു വ്യവസ്ഥകൂടി ഉണ്ടാകണം.  
കുടിയൻ്റെ തടയുന്നതിനുവേണ്ടിയുള്ള ഒരു ബില്ലാണിതു്. വരുന്നിരിക്കുന്ന ബില്ലു്  
കുടിയനു് വളരെയധികം രക്ഷ നൽകുന്നതായിരിക്കണം. ഭൂമി നന്നാക്കിയിട്ടുള്ളതാണു്  
ശരിയായ പ്രതിഫലം കൊടുക്കാനുള്ള ഒരു ബില്ലു് ഗവർണ്മെന്റ് കൊണ്ടുവരമെന്ന്  
പ്രതീക്ഷിച്ചുകൊണ്ടു് ഞാൻ അവസാനിപ്പിക്കുന്നു."

10-15  
a.m.

\* SRI T. C. NARAYANAN NAMBIAR:—"Mr. Speaker, I  
associate myself with the sentiments expressed by the hon. Member,  
Sri M. Narayana Nambiar, and other hon. Member from South  
Kanara district. The District Ryoti Sangam affiliated to the All-  
India Kisan Sabha was agitating for years and months for a piece  
of legislation restricting evictions, protecting the ryots from exac-  
tion of heavy rents, and tackling the problems of rural labour and  
agricultural workers and other allied questions. I think that it is  
my duty to state that though this is a belated piece of legislation,  
the Government have at last recognized the fact that a large  
number of evictions are taking place in South Kanara. Hundreds  
of peasants have been evicted from their holdings. Now, no pro-  
vision is being made in this piece of legislation for the reinstatement  
of those people. Also, the eviction of a cultivating tenant  
will be stayed provided he pays the arrears of rent due for about a



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year within a month after the commencement of this enactment. It will be a great hardship on the peasantry if they have to pay it within one month. But it will be argued that as far as the Indebted Agriculturists (Temporary Relief) Bill is concerned, only one year's stay is granted. But here, if the payment is not made within one month, the peasant will lose the whole holding. Therefore, I hope and trust that the Government will rectify such defects."

SRI S. S. KOLKEBAIL :—" Mr. Speaker, Sir, better late than never. After all, the Congress Government have thought of bringing in this measure though pressure was brought to bear on them for the last seven or eight years for this purpose. In 1947, the Congress came into the Legislature without much contest in South Kanara district. Ever since 1947 there was no election. So, they thought that they were the masters of the situation. But during the general elections in 1951 there was a mass upheaval. The people of South Kanara then rose up against the anarchy of the Congress Government. They said, 'No, you cannot go to the Assembly this time. You are not representing the poor people. You are not espousing the cause of the tenants.' Hence, there was opposition to the Congress everywhere. Now, they put up all rich landlords, rich bankers and very powerful persons as candidates for elections. Especially, in my constituency one of the richest landlords of the district was pitched against me. The main issue before the electorate was whether they wanted land reform or not. The people voted for me and sent me up here. To-day, the hon. Member, Sri Ananta Pai, had the cheek to say that the Praja-Socialist members were carrying on a propaganda among the tenants to agitate for a tenancy legislation. It is a lie. . . ."

SRI T. ANANTA PAI :—" On a point of order, Sir."

MR. SPEAKER :—" The hon. Member. . . ."

SRI S. S. KOLKEBAIL :—" I am not yielding, Sir."

MR. SPEAKER :—" The hon. Member must yield. When the Chair is on its legs, he should not say that he will not yield. He must apologize to the Chair for having said that he would not yield when the Chair is on its legs."

SRI S. S. KOLKEBAIL :—" I apologize, Sir."

MR. SPEAKER :—" The hon. Member has used an unparliamentary word. He said that the hon. Member Sri Ananta Pai had uttered a lie. 'Lie' is an unparliamentary word."

SRI S. S. KOLKEBAIL :—" The statement which he made is a lie."

MR. SPEAKER :—" 'Lie' is an unparliamentary word."

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SRI S. S. KOLKEBAIL :—" The hon. Member Sri Ananta Pai said that he had received so many letters that the Praja-Socialist Party was carrying on a propaganda. Such a statement is a lie."

MR. SPEAKER :—" What I say is that ' lie ' is an unparliamentary word."

SRI S. S. KOLKEBAIL :—" It is parliamentary. If necessary, I shall quote chapter and verse from the relevant records."

MR. SPEAKER :—" I know much better than the hon. Member, Sri Kolkebail. Let him withdraw the word."

SRI S. S. KOLKEBAIL :—" If it is unparliamentary, I call it a terminological inexactitude."

MR. SPEAKER :—" Let him first withdraw the word ' lie ' and then say that it is a terminological inexactitude."

SRI S. S. KOLKEBAIL :—" I withdraw it, Sir, and use the expression ' terminological inexactitude '."

The hon. Member Sri Ananta Pai rose in his seat.

MR. SPEAKER :—" Let the hon. Member Sri Kolkebail continue his speech."

SRI T. ANANTA PAI :—" On a point of order, Sir. The hon. Member used another unparliamentary expression ' cheek to say '."

MR. SPEAKER :—" The hon. Member did not bring it to my notice then."

THE HON. SRI C. SUBRAMANIAM :—" Just before the hon. Member was called upon to apologize, he said, ' cheek to say '."

MR. SPEAKER :—" I shall go through the proceedings and then give my ruling. I did not hear it. The hon. Member, Sri Kolkebail, will now continue his speech. Let him not get excited now."

SRI S. S. KOLKEBAIL :—" Because the hon. Member, Sri Ananta Pai, gave so much of food for this excitement, I was excited. Otherwise, I had no business to attack him. Because he said that this particular Party was carrying on this propaganda just for political purposes, I had to attack him. What he said was not correct. As a matter of fact, the entire election was fought on this issue. But, all the same, Congress Members were returned in a majority because they had the money and they threatened almost all the tenants in their holdings for getting support."

\* THE HON. SRI C. RAJAGOPALACHARI :—" I want to draw the attention of the hon. Member when I tell you, Sir, that we are dealing with a Bill which stops evictions for one year, and we need not expand into all these political rivalries now."



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MR. SPEAKER :—" The hon. Member is excited now. Shall I give him some time and allow him to speak again afterwards? "

THE HON. SRI C. RAJAGOPALACHARI :—" He is not excited, Sir. He is whipping himself into excitement."

SRI S. S. KOLKEBAIL :—" The excitement was not started by me. As a matter of fact, I did not want to speak on this Bill. After all, this is a very small measure. We are all agreed on this point. So, I did not want to talk on this measure. But because the hon. Member, Sri Ananta Pai, attacked the Praja-Socialist Party, I took objection to it."

\* THE HON. SRI C. RAJAGOPALACHARI :—" It is well known that the smaller a Party the greater is the excitement." (Laughter.)

SRI S. S. KOLKEBAIL :—" I will here and now contradict what the Hon. the Chief Minister has said. In the last general election, our Party has secured more votes than the Congress Party. But, unfortunately, because the Congress played all kinds of acrobatic feats by putting up particular candidates in the constituencies, they succeeded. But there was a straight fight in my constituency and I defeated one of the most reactionary landlords. There is no meaning in saying that our Party is a weak Party. We are the strongest Party. We are representing a major portion of the electorate. But because of the request or ruling of the Speaker, that I should not get offended at the way in which the hon. Member, Sri Ananta Pai, attacked our Party, I am not going to dilate upon it. This is a measure by which the peasants who form nearly 50 per cent of the population are going to be benefited. In a way, in the Preamble itself and in clause 1, it is indicated that the Government are going to bring in a comprehensive land legislation within a year. Now, I have already given notice of some amendments to various clauses of the Bill, one of which relates to the life of this Bill. I shall speak on them when the relevant clauses are taken up for discussion."

SRI M. NARAYANA KURUP :—" Sir, on this occasion of the first, though meagre, instalment of tenancy reform in South Kanara, my Party, though it is a small Party, has to take some interest in it. Because ours is a small Party, it has a future, whereas big Parties are now on the decline.

" I wish to make only one or two points in regard to the Bill. In clause 3, it is stated that a cultivating tenant cannot be evicted in execution of a decree or order of a Court or otherwise. What I am driving at is that this does not prevent eviction suits from being instituted. Only the execution of the decree has to be deferred for one year.

" Another point I want to make is this. The immunity from eviction that is conferred on the tenant is only from eviction by his landlord. Now, it is well known that in South Kanara there

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are a number of landlords. Suppose 'A' is the first landlord, 'B' is the tenant and 'C' is the sub-tenant. Under this Bill, 'C' cannot be evicted by 'B'. It is well known that there is no tenancy legislation in South Kanara and hence, eviction suits will be governed by the principle analogous to that contained in the Transfer of Property Act. If 'A', the landowner, puts an end to the tenancy of 'B' who is his tenant, automatically the tenancy of 'C' terminates. What I want to impress upon the Hon. Minister is that even under this Bill, if 'A' institutes a suit against 'B' and 'C' together, then 'C' has no defence in such suit, and this Bill will not give him any relief. This point also should be remembered. This point may also be remembered. As has been spoken to by many hon. Members, because of the uncertainty of land tenure in South Kanara not only land, but also Harijans and certain other classes of people are bought and sold along with the land. Their condition is so very pitiable. We are glad that at least at this late stage this tenancy reform Bill has been brought forward by the Government to do some justice to these poor people."

\* SRI N. N. SUVARNA :—" Mr. Speaker, in supporting this Bill, I intend associating myself with the sentiments of gratitude expressed by my colleagues from South Kanara, of course except the hon. Member, Sri Narayanan Nambiar, who spoke in Malayalam. I could not follow him and could not say whether he has expressed his assent or dissent to this Bill. While expressing my gratitude, I wish to add that our gratitude would have been real if only this relief measure had come in a bit earlier. The delay in the introduction of this Bill for affording some relief to the tenantry of South Kanara has resulted in great hardship and injustice. As the previous speakers had given a catalogue of the number of eviction suits, one can readily infer that the landlords have taken the time by the forelock by filing a number of eviction suits against the poor tenants. In South Kanara, the Congress stood for tenancy legislation and everybody knew that. Even the candidates who got elected during the last elections had made all sorts of promises in respect of tenancy legislation. All that was of no avail. Very possibly, our suspicion was that there was some influence in the inner circles of the Cabinet creating an impression that all was well between the tenants and landlords in South Kanara. That is what we suspected. Of course, my Friend, Sri Pais, referred to vested interests. Well, it is not necessary now to know who formed the vested interests. Anyhow, now that the present Bill has been brought forward, we do not want to enter into this controversy. At any rate, the landlord who took the hint began to file a number of eviction suits and that too on a very large scale. So, hardships increased and what made matters worse was the indiscretion committed by one of our Ministers in the former regime. When once he came to my constituency, Mulki and presided over a Tenants' Conference, he promised that in the next session itself tenancy legislation or legislation to stay

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evictions would be introduced in the Legislature. But nothing of that sort was done. This was followed by the recent general elections during which we had to go round the various places. As a matter of fact, people had more faith in us. That is why, even in the face of non-fulfilment of the promises made by the candidates at the time of the previous election that they would do this and that, the people did not react against us, but elected us to the present Assembly. I really disagree with Mr. Kolkebail when he says that his election was not on this ticket. I may inform him that out of 10 candidates of South Kanara, 9 of the Congress candidates have been returned on this ticket. (Cheers.) After the elections were over, we made repeated representations regarding tenancy legislation. All those representations were put off. People were given to understand that a comprehensive legislation was being attempted for the whole of the State and that South Kanara would also be included in it and so their representations were put off. But suddenly, last year the Hon. Chief Minister came forward with the Tanjore Tenants and Pannaiyal Protection Ordinance which was later converted into an Act. That Act was passed with such rapidity that we were surprised. At the same time, the position of the representatives from South Kanara became pitiable. Because there was a feeling of frustration in the minds of the people of South Kanara we were thrown out of gear. The people of our constituencies have begun to remark that we have no pull and absolutely no influence with the Cabinet. They seemed to feel that some pull with the Cabinet was necessary. In spite of the fact that we did not hear of any agrarian troubles in Tanjore, suddenly an Ordinance was issued and later it was converted into a Bill and introduced into the Legislature and was also passed. On the other hand, the people of South Kanara have been urging the Government, for the last 7 or 8 years, to bring forward some tenancy reform measure. Unfortunately, nothing of that sort, no Bill whatsoever was brought forward by the Government. So, the people began to think that we have been making false statements or giving them false hopes saying that the Government will bring a comprehensive legislation very soon and all that. Thus a feeling of frustration took hold of the people. Fortunately for us, the Hon. Chief Minister visited our place on 22nd December 1953 and met us. In a conference of the representatives of South Kanara held in Mangalore, a united demand was put forward to him and he was requested to bring in immediately the necessary relief measures for the poor tenants. He was convinced of the urgent necessity to bring forward the necessary legislation and he promised to bring forward the necessary Bill in the next session. In bringing the present Bill which is before the House, he has shown that, 'where there is a will, there is a way.' The Government need not have put off this legislation till now. If only they had a will even before, they could have brought forward this Bill much earlier. Anyway, at least at this late stage, this Bill has been brought forward. We only regret that a large number of tenants have been evicted and the

[Sri N. N. Suvarna] [8th January 1954]

hardships that they are undergoing have become intolerable. In fact, I can just give an instance where a tenant with a large family who has been on the land from time immemorial has been recently evicted. When the Commissioner went to the locality he apprised the value of the improvements at Rs. 11,000. Not a pie has been paid to the tenant and the entire family of this tenant was driven out and he has now to seek some shelter in some portion of Malnad area. If only the Government can help those tenants who are already evicted, it will be a great benefit for these poor people. Anyway, we are thankful for the small mercies shown by the Government. Therefore, I join my other colleagues from South Kanara in thanking the Government and particularly the Hon. Chief Minister, for sponsoring this Bill in this session itself."

SRI B. VAIKUNTA BALIGA :—" Mr. Speaker, I join the other hon. Members in supporting the Bill that is before the House. There is absolute unanimity of opinion in support of this measure. The measure is very simple and an initial step. I would not have ventured to get up and speak except for the small incident which took place when two different views were espoused. As far as South Kanara is concerned, the people are very simple. I may also add that nobody should go with the impression that in South Kanara there was divergence of opinion as might be indicated or sought to be implied by what transpired here.

10-40 a.m. " Then, Sir, my friend, Mr. Kolkebail, is a very nice gentleman and I have rarely seen him get into the temper such as he has revealed to-day. I am sure he did not mean much of what he said. As far as the fact that he fought the election on this issue in his constituency and that tenants are not behind the Congress is concerned, I believe these are statements which cannot be taken at their face value. It is unnecessary to get into a controversy over these for that will make matters worse. But I do maintain that the voters in South Kanara including tenants—and they are a large number—supported the Congress candidates.

" Coming to the measure again . . . (Sri C. S. Kolkebail : ' Look at statistics. ') Statistics will not reveal what the hon. Member has said. Repetition of a wrong statement will not add to the efficacy of the argument. Therefore, I would request my friend not to repeat what he said. Now, Sir, as to the merits of the Bill, so far as the tenants in South Kanara are concerned, they are really desirous of two things. One is fixity of tenure. They do not want to harass the landlords and the landlord also does not want to harass the tenant. What we want in South Kanara is an equitable distribution, right for all to the property so that the tiller of the soil may put in his best in order to make the land give a good yield. I am only hoping that the Government will not stop with introducing measures for guaranteeing fixity of tenure and apportionment of the produce between the two parties in a fair manner but will bestow their attention on providing more ameliorative measures. I am anxious that so far as land in



8th January 1954] [Sri B. Vaikunta Baliga]

South Kanara is concerned, there should be a continual partnership between the landlord and the tenant on the best of terms. Apart from helping on this manner, the Government can do much more for the district as well as the whole State. When I said 'ameliorative measures' I had only the production of food in mind. You are aware, Sir, that in South Kanara we have got perennial rivers which offer great potentialities for undertaking large irrigation projects. If the Government will only aid the cultivator or the tenant with loans or with the supply of pumpsets, may I say that all lands in South Kanara—at least a good portion of them—could be made to yield double the quantity of food that is raised now. With financial assistance and with the proposed supply of power from the Jog, I visualise in the light of this enactment and the further enactment that is to come and which would promise fixity of tenure, peace will prevail, prosperity will come and the tenant will be contented. The Government should do their part of the work in providing cheap power and affording the facilities that I have mentioned now to the cultivators. Besides, manure must be supplied. Facilities must be provided to them to get leaf manure from forests nearby. They should be encouraged in all directions possible so that the tenants in South Kanara may be contented and rise to the highest level that is possible for the common man to reach, and play his part in contributing to the prosperity and advancement of the nation as a whole. Sir, I support the measure wholeheartedly and I thank you for the opportunity you have afforded me for saying these few words."

\* SRI S. RAMALINGAM:—"கனம் சபாநாயகர் அவர்களே, தென் கன்னட ஜில்லாவில் இருக்கக்கூடிய விவசாயிகளை ஒரு வருஷ காலத்திற்கு நிலத்திலிருந்து வெளியேற்றக்கூடாது என்ற இந்த மசோதாவை நான் வரவேற்கின்றேன். அதே சமயத்தில் தென் கன்னட ஜில்லாவுக்கு வேண்டிய தீவிரமாக ஆலோசிக்கப்பட்ட நிலச் சீர்திருத்தச் சட்டம் கொண்டு வருவதற்குள்ளாக இந்தச் சட்டம் கொண்டு வரப்படுகிறது என்று குறிப்பிட்டிருக்கிறார்கள். அந்தக் காரணங்களினாலே இன்று நிலத்திலிருந்து வெளியேற்றம் வெகு தீவிரமாக அதிகமாகிக்கொண்டுவருவதைத் உடனடியாகத் தடுப்பதற்கு இந்தச் சட்டம் தேவை என்றும் குறிப்பிட்டிருக்கிறார்கள். 10-44 a.m.

"அதேமாதிரியான நிலைமை தமிழ் நாட்டின் இதர ஜில்லாக்களிலும் இருக்கிறது. சென்ற பல ஆண்டுகளாக சர்க்கார் தொடர்ந்தாற்போல் தாங்கள் நிலச் சீர்திருத்தச் சட்டம் கொண்டுவரப் பேர்கின்றோம் என்று சபையிலும் இன்னும் வெளியிலும் வாக்குறுதி கொடுத்தாக்கொண்டு வந்தார்கள். தென் கன்னட ஜில்லாவில் எப்படி விவசாயிகள் நிலத்திலிருந்து அப்புறப்படுத்தப்படுகிறார்களோ, அதேமாதிரியான நிலைமையான தமிழ்நாட்டிலும் இன்றையதினம் இருந்துகொண்டு வருகிறது. விவசாயிகள் மிகத் தீவிரமாக வெளியேற்றப்பட்டுகொண்டு இருக்கிறார்கள். ஆகையால், இந்தச் சட்டமானது தென் கன்னட ஜில்லாவுக்கும்மட்டும் என்று இல்லாமல் இதர தமிழ் ஜில்லாக்களுக்கும் விஸ்தரிக்கப்பட்டிருக்கும்படியான முறையில் இந்தச் சட்டம் கொண்டுவரப்பட்டிருந்தால் மிகவும் நன்றாக இருந்திருக்கும்.

"ஒரு வருஷத்திற்கு இந்தச் சட்டம் அமுலுக்கு இருப்பதனால் அந்த ஒரு வருஷத்திற்குள் தென் கன்னட ஜில்லாவுக்கு ஒரு நிலச் சீர்திருத்தச் சட்டம் கொண்டுவரவேண்டுமென்று ஏற்றுக்கொண்டிருந்தால், தமிழ்

[Sri S. Ramalingam] [8th January 1954]

ஜில்லாக்களுக்கும் நிலச் சீர்திருத்தம் கொண்டுவரவேண்டுமென்ற கட்டாயம் ஏற்பட்டிருக்கலாம். அதைத் தட்டிக் கழிப்பதற்காகத்தான் தென் கன்னட ஜில்லாவுக்கு மட்டும் இதைக் கொண்டுவந்திருக்கிறார்கள், இதர ஜில்லட்களுக்கும் இந்தச் சட்டம் அமுலுக்கு வராமலிருக்கிறது என்று நாம் யோசிக்கவேண்டியிருக்கிறது.

“இந்தச் சட்டத்திலே மூன்றாவது பிரிவிலே கடைசியிலே சொல்லப்பட்டிருக்கிறது. அதாவது, விவசாயி இந்த வருஷத்திற்கு கொடுக்கவேண்டிய குத்தகையோ, வாரதையோ கொடுக்காவிட்டால், இந்தச் சட்டம் இல்லாதுபோல் பாவித்து, அவனை நிலத்தைவிட்டு வெளியேற்றலாம்” என்று இந்த மசோதாவின் பிரிவு 3 (பி) சொல்லுகிறது. அந்த மாதிரியான அதிகாரம் நிலச்சுவாந்தார்களுக்கு கொடுக்காமல், விவசாயி குத்தகையோ, வாரமோ, வாடகையோ கொடுக்காவிட்டால், கோர்ட்டுக்கு மனுச் செய்து, அப்படிப்பட்ட விவசாயிகளை நிலத்தைவிட்டு அப்புறப்படுத்தலாம் என்று திருத்தினால் நன்றாக இருக்குமென்று கருதுகிறேன். ஆகையால், இந்தச் சட்டத்தை மற்ற ஜில்லாக்களுக்கும் விஸ்தரிப்பதற்கு சர்க்கார் ஒத்துக்கொள்ளவேண்டுமென்று கேட்டுக்கொண்டு என்னுடைய வார்த்தையை முடித்துக்கொள்ளுகின்றேன்.”

\* SRI M. S. MOGRAL :—“ Mr. Speaker, Sir, I congratulate the Hon. the Chief Minister on bringing forward this beneficial measure. I do not say that it is a perfect measure. Anyhow, I may submit that this is a beginning in the right direction. This Bill heralds the opening of a bright chapter in the history of the South Kanara district. It marks the beginning of a new era in the relationship between the landlords and the tenants of our district. The poor peasants of our district have been looking forward to such a piece of legislation for a long time and I am sure that, though it is a bit belated, it will be welcomed by the tenants as well as by the landlords with gratitude. Sir, the protection afforded to the tenants against arbitrary eviction by capricious landlords is quite adequate and the provision requiring tenants to deposit the current rent in time is quite reasonable, from the landlord's point of view as well. The tiller of the soil will now shake off his lethargy and utilize all the time available to him to see that more food is produced. Rack-renting and evictions under frivolous pretexts which were resorted to by landlords more out of party feelings and personal prejudices will now cease and this Bill will apply a brake to the deterioration of the conditions obtaining now in my district. Sir, I sincerely submit that if this Bill is passed into law, it will lay the foundation for a progressive understanding between the landlords and the tenants and pave the way for comprehensive reforms which the Government intend to introduce ere long.

10-50  
a.m.

“ We are aware of the fact that the welfare of the tiller of the soil should be the primary concern of Government and as such, our country, being an agricultural one, would prosper by leaps and bounds if our cultivating tenants are taken proper care of. I am sorry my friend Mr. S. Kolkebil has imparted a lot of heat into the discussion. I do not want to enter into any controversy. The previous speaker Mr. Vaikunta Baliga has replied suitably. I feel there is no necessity for me to reply. If my friend Mr. Nambiar and his partymen think that they would carry the day, we



8th January 1954] [Sri M. S. Mogral]

shall see it in the next district board election. We need not fight here. Mr. Nambiar had said that he had to approach a certain Congress M.L.A. to set right the eviction of a certain tenant by a certain landlord who is a Congressman. I do not know whether Mr. Nambiar's reference is directed towards us. I do not know whom Mr. Nambiar particularly means. I have told him that I had a discussion with the gentleman who had been referred to and he had made me understand that the information which Mr. Nambiar had asked him to carry was not true. That is all what I want to say on this score.

“ There are many others coming from South Kanara who are anxious to speak. Suffice it for me to once again congratulate the Government on having brought forward this useful tenancy legislation for South Kanara.”

\*SRI R. S. ARUMUGAM:— “கனம் சபாநாயகர் அவர்களே, விவசாயி களைத் தவிர மற்ற தொழிலாளிகளுக்கெல்லாம் சட்டத்தின் மூலமாக பாதுகாப்பு இருந்து வந்தது. ஆனால், விவசாயிகளுக்கு இதுவரை சட்டத் தின் மூலமாக சில இடங்களைத் தவிர மற்ற இடங்களில் பாதுகாப்பு இல்லையே என்று எங்கிக் கொண்டிருந்த சந்தர்ப்பத்திலே, இந்த ராஜ்யத் தின் ஒரு பகுதியிலுள்ள விவசாயிகளுக்கு இந்தச் சட்டத்தின் மூலமாக முதலாவதாக ஆதரவு கிடைத்திருக்கிறதையெண்ணி என் போன்றவர் சந்தோஷப்படாமலிருக்க முடியாது.

10-53  
a.m.

“ விரிவான முறையில் நிலச் சீர்திருத்தச் சட்டம் பின்பு கொண்டுவர வேண்டியிருப்பதால், அப்பொழுது வாரம், கட்டுக் குத்தகை போன்ற விஷயங்களை யோசிக்கவேண்டிய சந்தர்ப்பம் ஏற்படும். அப்படிப்பட்ட விரி வான நிலச் சீர்திருத்தச் சட்டம் கொண்டு வருவதற்கு முன்பாக, தென் கன்னட ஜில்லாவில் இருக்கக்கூடிய விவசாயிகள் நிலத்திலிருந்து வெளி யேற்றப்படாமலிருப்பதற்கு இப்படிப்பட்ட ஒரு சட்டம் மிக அவசரமானது என்ற நிலைமையை சர்க்கார் நன்கு உணர்ந்த காரணத்தினாலே அந்தப் பகுதிக்கு இந்தச் சட்டம் கொண்டுவரப்பட்டிருக்கிறது. அதைக் குறித்து நான் சந்தோஷப்படுகிறேன்.

“ அதே நேரத்தில், இந்த ராஜ்யத்திலுள்ள பாக்கி இடங்களிலும் நிலத் திலிருந்து விவசாயிகளை வெளியேற்றும்படியான இந்த ஆபத்து இருக்கிற தென்பதை எனக்கு முன்பு பேசிய அன்பர்கள் பலர் எடுத்துச் சொன்னார் கள். நானும் அதைத்தான் சொல்ல விரும்புகிறேன். திருநெல்வேலி ஜில்லா போன்ற இடங்களிலே அடிக்கடி இம்மாதிரி தகராறுகள் ஏற்படும் போது, பெரும்பாலும் அங்கிருக்கிற காங்கிரஸ் அங்கத்தினர்களாகிய நாங் கள் அந்தத் தகராறுகளை சுமுகமான முறையிலே சில விஷயங்களை தீர்த்துக் கொள்ளுகிறோம். இருந்தபோதிலும்கூட, அதற்கென ஒரு சட்டம் இல்லாத காரணத்தினால் பல தகராறுகள் சுமுகமான முறையில் தீர்க்கப்பட்டு முடிவுக்கு வரமுடியாமல் இருக்கிறது.

“ இப்போது இந்தச் சட்டமானது தென் கன்னட ஜில்லாவிற்கு மாத்திரம் வரப் போகிறபடியினாலே எங்களுடைய ஜில்லாவில் இன்னும் அதிகப்படி யான தொந்தரவுகள் ஏற்படும் என்பதை தெரிவித்துக் கொள்ளுகிறேன். ‘கூடிய சீக்கிரம் சட்டம் வர இருக்கிறது, அதற்கு முன்னால் இருக்கிற விவசாயிகளை நிலத்தைவிட்டு காலி செய்துவிடவேண்டும்’ என்ற மனப் பான்மை நிலச்சுவாந்தார்களுக்கு ஏற்படும். இந்தச் சட்டத்தினால் அந்த மாதிரி நிலைமை எங்கள் ஜில்லாவில் அதிகப்படியாக ஏற்படும். ஏதாவது ஒரு தகராறு ஏற்பட்டால், அதை நாங்கள் போய் சுமுகமாக தீர்க்கவேண்டு மென்று எண்ணினால் கூட, இங்கே சட்டம் இல்லையே என்று சொல்வதற்கு ஏதுவாக இருக்கிறது. ஆகவே, அதிக நாள் ஈடுக்காமல் அடுத்த

[Sri R. S. Arumugam] [8th January 1954]

சட்டசபைக் கூட்டத்திற்குள்ளாகவே ஒரு 'நோடிபிகேஷன்' மூலமாக தமிழ் நாட்டிலுள்ள எல்லாப் பகுதிகளுக்கும் ஆங்காங்குள்ள விவசாயிகளை அந்தந்த நிலத்தை விட்டு அப்புறப்படுத்த விடாமல் கண்டிப்பாக ஒரு உத்தரவு அனுப்புமாறு கனம் ரெவின்யூ மந்திரி அவர்களையும் கனம் முதல் மந்திரி அவர்களையும் கேட்டுக்கொள்ளுகிறேன். இந்தச் சட்டத்திற்கு எனது பாராட்டுதலையும் தெரிவித்துக்கொள்ளுகின்றேன்."

\* THE HON. SRI M. A. MANICKAVELU NAICKER :—" I am thankful to hon. Members for stating the agricultural conditions prevalent in South Kanara on the whole. It has been explained by one hon. Member that there are three classes of tenants in the district and that in the case of first two classes of tenants there is no necessity for any piece of tenancy legislation and that only in respect of the third-class of tenants, viz., the Chalgeni tenants, this legislation is necessary."

\* SRI L. C. PAIS :—" May I clarify the position, Sir? I think the Hon. Minister is referring to me. I said that the first-class of tenants are known by the name of "Mulgeni" or "permanent" tenants who are governed by some fixed agreement. I said that in respect of this class, no legislation was necessary. But in regard to the second-class of tenants, viz., 'term tenants', as soon as the terms of their contract are over, they are evicted and the moment they are evicted they are as good as the 'tenants at will' and as such in respect of the second category therefore, this legislation is necessary. Of course I said that the poor third-class 'tenants at will' should be helped."

\* THE HON. SRI M. A. MANICKAVELU NAICKER :—" I am thankful to the hon. Member for the clarification. I need not go into the details. I am also thankful to the hon. Members hailing from South Kanara for their having stated that an all-embracing tenancy legislation in respect of South Kanara should not be hustled through but that it should be done after mature consideration. Sir, I have always held the opinion that people coming from South Kanara are business-like people. My opinion has come true. Like business-like people they have appreciated the difficulties that lie in the way of bringing forward a comprehensive tenancy legislation. I am thankful to them for it. At the same time, I am sorry to note that some hon. Members from South Kanara went into a sort of post-mortem examination. It was not necessary on the part of Mr. Kolkebail to have done so. He is a man of superlatives and only superlatives can tackle him. I shall not dilate much upon it."

"I have already explained the necessity for bringing this measure and I do hope that the House, will pass it."

MR. SPEAKER :—" The question is—

'That the South Kanara Cultivating Tenants Protection Bill, 1954, be taken into consideration at once.' "

The motion was put and carried.



8th January 1954]

MR. SPEAKER :—" We shall now take up clause by clause discussion."

Clause 3.

SRI K. R. VISWANATHAN :—" I move my amendment—  
 ' For the words "*a month*" wherever they occur, substitute the words "*three months*" ' "

11  
a.m.

The motion was duly seconded.

SRI S. S. KOLKEBAIL :—" I move my amendments—

' After sub-clause (1), insert the following new sub-clause :—

" No holding of a tenant shall be liable to be sold or brought to sale in pursuance of a decree, or order, or other proceeding for recovery of rent or debt or mesne profits."

' In sub-clause (2), for the words "*within a month*", substitute the words "*two months after notice from the landlord*" ' "

' In sub-clause 3 (a), after the words "*market value*", insert the figures, words and brackets "*(the price as published in the District Gazette of South Kanara for the month of February 1954)*" ' "

' In items (i) and (ii) of sub-clause (3) (a), for the word "*month*", substitute the words "*two months*" ' "

' In sub-clause (3) (b), for the words "*a month*", substitute the words "*two months*" ' "

The motion was duly seconded.

SRI S. RAMALINGAM :—" I move my amendment—

' For the words "*as if this Act had not been passed*", substitute the words "*under the orders of the Court or on an application made by the landlord*" ' "

The motion was duly seconded by Sri K. C. Gopalan Unni.

SRI T. C. NARAYANAN NAMBIAR :—" I beg to move my amendment to clause 3, sub-clause (2)—

' For the words "*a month*", substitute the words "*one year*" ' "

SRI R. KRISHNAN :—" I second it."

MR. SPEAKER :—" The motion as well as the amendments are before the House for discussion."

SRI S. S. KOLKEBAIL :—" Mr. Speaker, Sir, I do not wish to make a long speech on this point. The intention of my amendment is very clear. Now, land reform is the most important

[Sri S. S. Kolkebil] [8th January 1954]

reform to be introduced in our State because most of our people are agriculturists. By accepting this amendment, you will find that some of the tenants, who are to-day enjoying the lands either under Alivaigeni lease (term lease) or under Kayamgeni lease (permanent lease), are suffering on account of certain inherent difficulties in the leases and their rights are being brought to sale and they are evicted in due course of law. So, in order to prevent that, I want to introduce this particular sub-clause, namely, "No holding of a tenant shall be liable to be sold or brought to sale in pursuance of a decree, or order, or other proceeding for recovery of rent or debt or mesne profits". Sir, this particular sub-clause emanates from out of my own imagination. There is a similar clause in the Madras Tenants and Ryots Protection Act (Act XXIV of 1949) passed in this very House when you were the Speaker. So if this amendment is accepted, you will find that the Alivaigeni tenants holding under term leases and the Kayamgeni and Mulgeni tenants holding under permanent leases will be saved if their lands are brought to sale for non-payment of arrears of rent. The comprehensive legislation may take about a year or even more. Of course, there is the Moratorium Act which gives protection to these people. I hope the Government will have no objection to accept this amendment."

SRI M. NARAYANA KURUP :—"Sir, I have not moved any formal amendments. Still I wish to place before the Hon. Minister the suggestion that I made at the outset. My suggestion is that after the words "his landlord", the words "or his superior landlord" may also be added, because otherwise the protection granted by this Act to the tenants will be incomplete. Of course, there are experts in this House who have got sufficient experience in such kinds of legislation. I do feel and really feel that unless the words "or his superior landlord" are also added, the position of the sub-tenants will not be safeguarded."

11-04  
a.m.

\* SRI S. RAMALINGAM :—"என்னுடைய திருத்தம் என்னவென்றால் இந்த மசோதாவின் மூன்றாவது பிரிவிலே (b) என்னும் உப பிரிவின் இறுதியிலே வரும் 'as if the Act had not been passed', என்னும் வார்த்தைகளுக்குப் பதிலாக, 'or an application made by the landlord' என்னும் வார்த்தைகளை அமைத்துக்கொள்ளவேண்டும் என்பதுதான்.

"அதாவது, 'விவசாயி வாடகையைக் கொடுக்காவிட்டால், அவனை இந்தச் சட்டம் வராததுபோல் கருதி நிலத்தைவிட்டு நிலச்சுவாந்தார் அப்புறப்படுத்தலாம்' என்று இந்த மசோதாவிலே இருக்கிறது.

"என்னுடைய திருத்தமானது, 'அவன் அம்மாதிரி கொடுக்காமலிருந்தால், நிலச்சுவாந்தார் கோர்ட்டுக்கு அந்த மாதிரி விவசாயி கொடுக்க வேண்டிய வார்த்தைக் கொடுக்கவில்லையென்றும், அதனால் அந்த விவசாயியை வெளியேற்ற வேண்டுமென்றும் மனு செய்து, கோர்ட்டின் மனு உத்தரவைப் பெற்று, அதன் பிறகு தான் நிலத்தை விட்டு அப்புறப்படுத்தவேண்டும்' என்று சொல்லுகிறது. இந்தத் திருத்தமானது மசோதாவினுடைய முக்கியமான கொள்கைக்கு விரோதமானதில்லை.

"A cultivating tenant may deposit in court the rent, என்று மூன்றாவது பிரிவு (a) சொல்லுகிறது. அதாவது, விவசாயி நிலச் சுவாந்தாருக்குக் கொடுக்கவேண்டிய வார்த்தை கோர்ட்டிலே கட்ட



8th January 1954] [Sri S. Ramalingam]

வேண்டுமென்று சொல்லியிருக்கிறது. அப்படியிருக்கும்போது, இந்தச் சட்டத்தின் பிரகாரம் நியாயம் வரி என்ன, நியாயமான வாரம் என்ன, நியாயமான குத்தகை என்ன என்று சட்டத்தில் நிர்ணயம் செய்யப்படவில்லை. ஏற்கெனவே இருக்கிற மாமூல்படி, ஏற்கெனவே செய்து கொண்ட ஒப்பந்தத்தின் பிரகாரம் அவன் வாரத்தையோ குத்தகையையோ கட்டவேண்டுமென்று கண்டிருக்கிறது. அதிகப்படியான வாடகையோ குத்தகையோ கொடுக்கவேண்டுமென்று கோர்ட்டிலே மனுச் செய்துகொண்டு விவசாயிகளின்மேல் ஒரு நிர்ப்பந்தத்தைக் கொண்டுவர சாத்தியம் இருக்கலாம்.

“The court shall cause notice of the deposit to be issued to landlord and determine, after a summary enquiry . . .” என்று 3 (b) சொல்கிறது. விவசாயி ஏதாவது குத்தகையோ வாடகையோ கோர்ட்டிலே கொடுத்திருந்தால் அந்த யாதிரி குத்தகை எங்களுக்கு வந்திருக்கிறது என்று நிலச்சுவாந்தாருக்கு நோட்டீஸ் கொடுத்து குத்தகை கொடுத்தது சரிதான்? சரியில்லையா? என்று கோர்ட்டார் நிர்ணயிக்கிறார்கள். அதிகப்படி கொடுக்க வேண்டுமென்று நிர்ணயித்தால், அதன் பிறகு விவசாயி மனுச்செய்து கொள்ளலாம். டைம் கொடுக்கலாம். . . ஆகையால், சர்க்கார் என்னுடைய திருத்தத்தை ஒத்துக்கொள்வார்களென்று நினைக்கிறேன்.”

\* SRI T. C. NARAYANAN NAMBIAR :—“ My amendment is a very important one, Sir, which is to the effect that the time-limit given to the tenant should be enhanced from one month to one year. Otherwise, so many tenants will be evicted. I therefore plead that my amendment should be accepted. Sir, it is not a question of money or a question of expenses alone. In other cases, if the tenant does not pay within the time fixed, he will have to pay only some interest. But here it is a question of wholesale eviction and the tenant will be thrown in the street. I, therefore, request that my amendment may be accepted.”

\* SRI V. R. KRISHNA AYYAR :—“ I have only a word or two to say. I support the suggestion made by my hon. Friend Sri Narayana Kurup, because unless it is made clear that ‘superior landlords’ are also debarred from resorting to eviction proceedings and unless it is made plain that cultivating tenants will be protected, however low they may be in the picture, there is bound to be serious trouble. A similar position arose under the Malabar Tenancy Act and the High Court has repeatedly pointed out that the provision applied to the landlord and the superior tenant. So, there is always difficulty for the cultivating tenant if he happens to be a sub-tenant. He does not get protection. He cannot apply for relief and he will be bundled up if there is collusion between the tenant and the landlord above him. So the sub-tenant will be entirely without redress. We really seek to protect the cultivating tenant by this legislation and if that is the objective—there is no doubt at all about the objective—we should make it clear by introducing a provision in the Act that even though the tenant may not be the immediate tenant under the suing landlord or the plaintiff-landlord, even though he is a sub-tenant only, being the man actually cultivating as a tenant, he must be protected. I support the suggestion of Sri M. Narayana Kurup that the words ‘or his superior landlord’ may be added after the words ‘his

[Sri V. R. Krishna Ayyar] [8th January 1954]

landlord' in sub-section (1) of Section 3, or, in the alternative the words 'or sub-tenant' may be added after the words 'cultivating tenant'."

11-10 a.m. SRI K. R. VISWANATHAN :—" Sir, under clause 3 of the Bill, a cultivating tenant should pay the rent within a month after the commencement of this Act or within one month after the rent becomes due. The previous several years have been years of drought and it will be very difficult for the tenant to find the money for paying rent or surplus grains for paying the landlord in lieu of rent within one month. So I have moved an amendment for extending the period of payment of rent to three months."

\*SRI P. VENKATESHA SHOLAGAR :—" கனம் சபாநாயகர் அவர்களே, இந்த திருத்தத்தைப் பற்றி நான் கூறும்போது சில விளக்கங்களைக் கூறவிரும்புகிறேன். தென் கன்னட மக்களுக்கு ஒரு நில வெளியேற்ற தடை சட்டம் கொண்டு வந்து அவர்களை பல கஷ்டங்களிலிருந்து மீட்க வைத்து செளகர்யம் செய்யவேண்டும் என்று இப்பொழுது இந்த சட்டத்தைக் கொண்டு வந்திருக்கிறார்கள். அதைப் போலவே தமிழ் நாட்டிலும் பார்த்தால் அநேகம் நிலவெளியேற்றம் நடந்துகொண்டு வருகிறது. இந்த நிலைமையில் மலையாளம் தென் கன்னடம் போன்று தஞ்சை ஜில்லா விற்கும் இந்த சட்டத்தைப் போன்ற சட்டம் கொண்டுவரவேண்டிய அவசியம் ஏற்பட்டிருந்தது. சமீபத்தில் கூட தமிழ் நாட்டில் விவசாயிகள் மகாநாடு கூட்டி அதில் 400 பிரதிநிதிகள் இருந்து இந்த நில வெளியேற்றத்தை நிறுத்தவேண்டும் என்று ஒரு தீர்மானம் போட்டு அதுவும் லட்சக் கணக்கான மக்களுடைய முன்னிலையில் தீர்மானம் நிறைவேற்றப்பட்டிருக்கிறது. ஆகவே இந்த நிலைமை மாகாணம் எங்கும் இருந்தும் கூட சர்க்கார் பல முறைகளில் அதை அலட்சியம் செய்துவருகிறார்கள். அப்போதைக்கப்போது ஏற்படும். சிற்சில பிரச்சனைகளை மட்டும் சமாளிப்பதற்கு இதைப்போன்று கொண்டு வருகிறார்கள். அப்படி இல்லாமல் தமிழ் நாடு பூராவும் இந்த சட்டத்தைக் கொண்டு வந்து நில வெளியேற்றத்தை நிறுத்திவிட வேண்டும் இது விவசாயிகளின் ஜீவாதாரமான கோரிக்கை. ஆகவே இதை அலக்கியப்படுத்தாது தமிழ் நாடு அல்லது மாகாணம் பூராவிற்கும் விஸ்தரிக்க வேண்டும் என்று கேட்டுக் கொள்கிறேன்."

\* SRI T. C. NARAYANAN NAMBIAR :—" Sir, I move—  
'Add the following as new sub-clause (4) to clause 3 :—

"(4) The tenants evicted on or after 1st April 1950 be reinstated and to that effect this Act will have retrospective effect." "

SRI N. K. PALANISWAMI :—" I second the amendment."

MR. SPEAKER :—" Motion moved—

'Add the following as new sub-clause (4) to clause 3 :—

"(4) The tenants evicted on or after 1st April 1950 be reinstated and to that effect this Act will have retrospective effect." "

\* SRI T. C. NARAYANAN NAMBIAR :—" Sir, the Government have admitted in the Statement of Objects and Reasons of this Bill that the landlords in South Kanara district have been evicting their tenants with a vengeance in anticipation of the fear that the Government may pass some legislation restricting evictions. From 1950 when the Malabar Tenancy Amendment Act



8th January 1954] [Sri T. C. Narayanan Nambiar]

was passed, landlords in South Kanara have been evicting their tenants on the presumption that some legislation banning eviction may be extended there also. Therefore I plead in my amendment that the tenants who were evicted from on or after 1st April 1950 should be reinstated."

\* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, may I intervene? We should not make matters more complicated than they need be. The need for this Bill is urgent. It is a short Bill which will have effect only for one year. If we think of expanding it to the whole State or re-open old cases by giving retrospective effect or include inter-district relations, that is relations between landlords in one district and tenants in another district or *vice versa*, the position will become more complicated. The best thing is to restrict the present Bill to the scope of its objects and get through it quickly. Hon. Members should not imagine that all the difficulties and complications that are expected in Malabar will arise in South Kanara. Our experience and even the information received from the hon. Members of this House is to the effect that affairs are smooth and easy in South Kanara. So we need not imagine more complications than what actually exists. In view of this, I hope the hon. Members will accept the advice given by the Mover of the Bill."

\* SRI T. C. NARAYANAN NAMBIAR :—" Sir, it is not from a mere imagination of the difficulties that I have moved my amendment. The South Kanara District Ryots' Association, which is affiliated to the All-India Kisan Sabha, has represented this matter to me and therefore I have moved the amendment."

\* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, the scope of the Bill is very simple and that is to give the tenants protection against eviction for a year. Conditions in South Kanara are pretty fair and things are going on smoothly. So hon. Members need not create unnecessary difficulties there. Hon. Members coming from South Kanara met together and came to the conclusion that the Bill would satisfy the present object in view."

" As regards the amendment for enhancing the period for payment of rent from one to three months, I submit that only the current rent is insisted upon and there is no demand for arrears."

" The other difficulties that have been pointed out will be covered by the Madras Indebted Agriculturists (Temporary Relief) Bill. The amendments are not acceptable, and I request hon. Members to withdraw them."

MR. SPEAKER :—" I will put the amendment and clause 3 to vote. Then I will take up the amendment given notice of by Sri S. S. Kolkebil for adding new clause 3-A. The question is—

' For the words " a month " wherever they occur, substitute words " three months " . ' "

The amendment was put and lost.

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SRI S. S. KOLKEBAIL :—“ I beg leave to withdraw my amendment.”

The amendment was, by leave, withdrawn.

SRI S. RAMALINGAM :—“ I beg leave to withdraw my amendment.”

The amendment was, by leave, withdrawn.

SRI T. C. NARAYANAN NAMBIAR :—“ I beg leave to withdraw my amendment which reads as follows :—

‘ In clause 3, sub-clause (2), for the words “ a month ” substitute the words “ one year ”.’ ”

The amendment was, by leave, withdrawn.

MR. SPEAKER :—“ The question is—

‘ Add the following as new sub-clause (4) :—

“ (4) The tenants evicted on or after 1st April 1950 be reinstated and to that effect this Act will have retrospective effect.” ’ ”

The amendment was put and lost.

Clause 3 was put and carried.

#### *New Clause 3-A.*

SRI S. S. KOLKEBAIL :—“ Sir, I move—

‘ After clause 3, insert the following as clause 3-A :—

“ 33-A. All suits proceedings in execution of decrees or orders and other proceedings—

(a) for the eviction of tenants from their holdings or land, as the case may be, or in which a claim for such eviction is involved, whether in addition to a claim for rent or not, or

(b) in which the sale of the holding of a tenant for recovery of rent is claimed shall stand stayed.” ’ ”

This clause is taken word for word from the Madras Tenants and Ryots Protection Act of 1949.

THE HON. SRI C. RAJAGOPALACHARI :—“ The hon. Member should know that the object of this amendment will be covered by the Indebted Agriculturists (Temporary Relief) Bill. It is unnecessary to bring in the amendment here.”

SRI S. S. KOLKEBAIL :—“ The Moratorium Bill will cover the case. But what is to happen if that Bill is not taken up and passed tomorrow? ”



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SRI S. RAMALINGAM :—" It may be referred to a Select Committee."

SRI S. S. KOLKEBAIL :—" So, just by way of abundant caution, I am introducing this amendment and I think the Government will have no objection to it. If anything, it may be redundant, if the other Bill is passed into law."

The amendment was duly seconded.

\* THE HON. SRI M. A. MANICKAVELU NAICKER :—" I oppose the amendment. As for stay of suits and other proceedings, the other Bill will make the necessary provision."

MR. SPEAKER :—" The question is—

' After clause 3, insert the following as clause 3-A :—

" 3-A. All suits, proceedings in execution of decrees or orders and other proceedings—

(a) for the eviction of tenants from their holdings or land, as the case may be, or in which a claim for such eviction is involved, whether in addition to a claim for rent or not, or

(b) in which the sale of the holding of a tenant for recovery of rent is claimed shall stand stayed."

The amendment was put and lost.

Clauses 4 and 5 were put and carried.

MR. SPEAKER :—" I shall now take up the Preamble and clauses 1 and 2. I must tell the House that the hon. Member Sri Ramalingam has given notice of the following amendment :—

' For the words " the District of South Kanara ", substitute the words " the State of Madras ".

It is beyond the scope of the Bill. This Bill is intended for South Kanara. The hon. Member wants to enlarge the scope of the Bill so as to extend it to the whole of the State of Madras. So, it is out of order."

\* SRI S. RAMALINGAM :—" கனம் சபாநாயகர் அவர்களே, இந்த மசோதா தென்கன்னட ஜில்லாவுக்குக் கொண்டுவரப்பட்டாலும் நான் கொடுத்திருக்கும் திருத்தம் லாங் டைட்டில் இன் சவுத் கானரா (Long Title in South Kanara) என்றுதான் இருக்கிறது."

MR. SPEAKER :—" இது அவுட் ஆப் ஆர்டர். (Out of order.) So this amendment of his to the Long Title or the Preamble and a similar amendment to clause 1 are out of order. He has given notice of the following amendment to sub-clause (2) of clause 1 :—

' Insert the following before the word " extends " in line 3-- " and the Tanjore Tenants and Pannaiyal (Protection) Act ".

It is not relevant to the Bill and so, it is also out of order. Then comes the amendment of the hon. Member Sri K. R. Viswanathan."

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SRI K. R. VISWANATHAN :—“ Sir, I move the following amendment that stands in my name :—

‘ For the words “ for a year ”, substitute the words “ until a comprehensive Land Reform Bill comes into force ”. ’ ”

The amendment was duly seconded.

SRI S. S. KOLKEBAIL :—“ I do not move my amendment in view of the assurance given by the Hon. the Chief Minister and the Hon. the Revenue Minister.”

SRI K. R. VISWANATHAN :—“ In the Statement of Objects and Reasons it is stated that just because landlords are afraid of the land reform proposals which are under the consideration of the Government, they have begun evicting the tenants on a large scale. It is only with a view to prevent that large-scale eviction that this Bill has been brought before this House. The time-limit of one year is not at all sufficient because already the Government have taken two years for the consideration of the Report of the Land Revenue Reforms Committee and I do not know whether within one year, they, in all sincerity, will be able to bring the Land Reforms Bill before the House. So, I would like to give permanent relief to the tenants through this Bill until the Land Reform Bill is brought before the House.”

\* THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Such a vague expression cannot be put in law. What will come up, how it will come up, whether it will come up at all—these are all possibilities. So, this is not a very happy amendment and I cannot accept it.”

The amendment was, by leave, withdrawn.

The Preamble and clause 1 were put and carried.

#### Clause 2.

\* SRI A. RAMACHANDRA REDDIAR :—“ Sir, I move the following amendment :—

‘ In sub-clause (c), delete the words “ or any waste, vacant or forest land ”. ’

I am moving this very simple amendment in order to bring the definition of ‘ land ’ into line with the definition of ‘ cultivating tenant ’ and ‘ cultivation ’.”

The amendment was duly seconded.

\* THE HON. SRI M. A. MANICKAVELU NAICKER :—“ I do not know what the object of this amendment is. The hon. Member is thinking in terms of conditions in North Arcot district. He must be aware that conditions in South Kanara are different from those in North Arcot.”



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The amendment was, by leave, withdrawn.

Clause 2 was put and carried.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I move—

*' That the Bill be passed into law. ' "*

MR. SPEAKER :—" Motion moved—

\* That the South Kanara Cultivating Tenants Protection Bill, 1954, be passed into law. ' "

\* DR. K. B. MENON :—" Mr. Speaker, Sir, at the fag-end of the debate of this Bill, I wish to say just a few words. If emotion is the weakness of a small Party, I submit that arrogance should never be the privilege of the powerful and the big. I shall now attempt to place a few sane facts in a very sane way."

\* THE HON. SRI C. RAJAGOPALACHARI :—" I would like to know whether the hon. Member is referring to my remarks in which case I hasten to explain that it was not arrogance but the contrary of it. I want hon. Members who belong to small parties to be active, to be enthusiastic and even to be excited up to a point, and I am indicatively warning the majority party not to try to prevent such excitement too prematurely, which would only increase the reaction."

\* DR. K. B. MENON :—" I shall leave the thing at that stage. South Kanara is our nearest and next neighbour, and the boundary of Malabar just merges or almost dissolves itself into South Kanara. There is, consequently, very much in common in physical features, in the habits of the people, in the economic and social position and, may I also add, in the exploitation of the poor by the rich, South Kanara is a typical example of that old adage."

\* THE HON. SRI C. SUBRAMANIAM :—" Sir, we are on the third reading stage and we cannot now discuss general principles. So, hon. Members have to confine their remarks only to the general working of the Bill and give suggestions with regard to the general working of the provisions of the Bill. Hon. Member Dr. Menon cannot take advantage of the third reading of the Bill to make a reply to the Hon. Chief Minister or to claim friendship with South Kanara and things like that."

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a.m.

\* DR. K. B. MENON :—" Sir, this is the first time that I am seeing serious objection being raised in this House against freedom of speech."

MR. SPEAKER :—" It is not a question of freedom of speech. As this is the third reading, the hon. Member has to confine his remarks to the general working of the Bill and the various clauses."

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\* DR. K. B. MENON :—“ I shall put it in a different way and give my opinion. I never knew that we were observing such technicalities till now, as the Hon. Leader of the House claims. I hope and trust that such technicalities will not be brought about in discussions of Bills at different stages.”

THE HON. SRI C. SUBRAMANIAM :—“ Then rules have to be abrogated ! ”

MR. SPEAKER :—“ It is not a question of technicality or any such thing. There are certain rules and we have to follow them. That is all.”

\* DR. K. B. MENON :—“ Rules after all are a matter of convenience. (Laughter.) The situation in South Kanara is a typical example where only the people who ask for or agitate for a particular thing get it. It is only the crying child that gets milk. In Malabar, tenancy agitation has been 50 or 60 years old. For example, take the compensation paid to the tenants in Malabar and South Kanara. The whole history of legislation so far as South Kanara is concerned is barren of even a minor land tenure or land reform legislation. So, I do not wish to compliment the Government for bringing about this Bill, because I feel that any emergency legislation exposes the weakness of the Government. It shows lack of alertness on the part of the Government. The Government should have long ago realized that South Kanara was in need of land legislation and should have taken steps to introduce the measure long ago. The Government failed to do this in the last so many years and have brought about this legislation at the last minute. That being so, it is not a matter where the Government should be complimented, but it is matter to be regretted. I hope this emergency legislation is being passed for the time being and that the Government will make every effort to bring in a more comprehensive legislation as early as possible.”

\* THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, as for the general remarks, made by Dr. Menon, I do not propose to raise any technical objection. What I feel is, far from drawing an adverse inference, I am drawing a positive and favourable inference. So far as my experience goes, the relationship between the landlord and tenant in South Kanara, though very near to Malabar, does not present the same difficulties as it presents in Malabar. There is more accord, mutual understanding, moderation in treatment of one another in South Kanara. I am only hoping that the introduction of this small Bill will not create a new chapter in South Kanara. With these remarks, I commend the Bill to the acceptance of the House.”

MR. SPEAKER :—“ The question is—

‘ That the South Kanara Cultivating Tenants Protection Bill, 1954, be passed into law.’ ”

•The motion was put and carried.

MR. SPEAKER :—“ As to-day is Friday, the House will sit till 1 o'clock and meet again at 3 p.m. in the afternoon.

“ Now the Hon. Revenue Minister may move his motion.”